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Inc., and Seth Ravin

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
ORACLE AMERICA, INC., a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
AND SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**STIPULATION AND [PROPOSED]
ORDER REGARDING RULE 67
DEPOSIT AND BRIEFING
SCHEDULE FOR ORACLE'S
RENEWED MOTION FOR
ATTORNEYS' FEES**

WHEREAS on September 21, 2016, the Court entered an award of \$28,502,246.40 in attorneys' fees in favor of Oracle (Dkt. 1049);

WHEREAS on October 18, 2016, the Court entered a final judgment that included the attorneys' fees award (Dkt. 1076);

WHEREAS on October 31, 2016, Rimini paid Oracle the judgment in full, including the complete attorneys' fees award plus postjudgment interest (Dkt. 1096, 1097);

WHEREAS on January 8, 2018, the U.S. Court of Appeals for the Ninth Circuit affirmed liability and prejudgment interest for Oracle's copyright infringement claims (*Oracle USA, Inc. v. Rimini Street, Inc.*, 879 F.3d 948 (9th Cir. 2018));

WHEREAS the Ninth Circuit reversed liability and prejudgment interest for the state computer hacking statutes—a sum total of \$19,764,595.85 (Dkt. 1076 ¶¶ 3-4)—and reversed \$1,515,285.45 in taxable costs (*Rimini*, 879 F.3d at 962-65) (hereinafter, the “Reversed Sums”);

WHEREAS the Ninth Circuit “vacate[d] the [attorneys'] fee award and remand[ed] for reconsideration” (*Rimini*, 879 F.3d at 965);

WHEREAS on March 13, 2018, Oracle filed a Motion to Deposit Attorneys' Fee Award with the Court, requesting permission pursuant to Rule 67 of the Federal Rules of Civil Procedure to deposit with the Court the \$28,502,246.40 attorneys' fees award vacated by the Ninth Circuit, which

award Rimini previously paid to Oracle, pending resolution of Oracle's renewed motion for attorneys' fees (Dkt. 1114);

WHEREAS the parties now agree that Oracle can deposit \$28,502,246.40 with the Court pursuant to Rule 67, on the conditions that Oracle (1) withdraws its pending motion, (2) promptly pays back to Rimini the Reversed Sums with postjudgment interest, and (3) agrees to provide Rimini with 60 days to oppose Oracle's renewed motion for attorneys' fees (Dkt. 1118); and

WHEREAS Rule 67 requires from the Court an "order permitting deposit" (Fed. R. Civ. P. 67(b));

THEREFORE IT IS HEREBY STIPULATED by and between the Parties that:

1. Oracle shall withdraw its pending Motion to Deposit Attorneys' Fee Award with the Court.

2. Oracle shall promptly pay back to Rimini all Reversed Sums with postjudgment interest.

3. The Parties request that the Court enter the attached Rule 67 Proposed Order, which authorizes Oracle to deposit \$28,502,246.40 with the Court in its Registry Account, to be disbursed with appropriate interest according to this Court's resolution of Oracle's renewed motion for attorneys' fees. This disbursement is to occur without respect to either party's subsequent appeal from this Court's decision.

4. Rimini shall have 60 days from the date of Oracle's renewed motion for attorneys' fees to file its opposition brief to Oracle's renewed motion for attorneys' fees.

SO STIPULATED AND AGREED.

DATED: March 29, 2018

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mark A. Perry
Mark A. Perry

Attorneys for Defendants Rimini Street, Inc. and Seth
Ravin

1 DATED: March 29, 2018

BOIES SCHILLER FLEXNER LLP

2 By: /s/ William Isaacson
William Isaacson

3
4 Attorneys for Plaintiffs Oracle USA, Inc., Oracle
America, Inc. And Oracle International Corporation

5 **ATTESTATION OF FILER**

6 The signatories to this document are William Isaacson and me, and I have obtained
7 Mr. Isaacson's concurrence to file this document on his behalf.

8
9 DATED: March 29, 2018

GIBSON, DUNN & CRUTCHER LLP

10 By: /s/ Mark A. Perry
Mark A. Perry

11
12 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

13
14
15 Dated: _____

16 Hon. Larry R. Hicks
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be electronically uploaded a true and correct copy in Adobe “pdf” format of the above document to the United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon transmission of the Notice of Electronic Filing (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.

DATED: March 29, 2018

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Mark A. Perry
Mark A. Perry

Attorneys for Defendants Rimini Street, Inc. and Seth
Ravin